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July 24, 2003



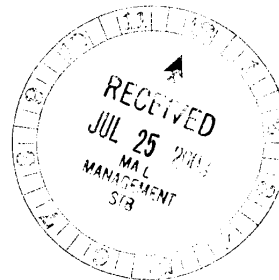
VIA U.P.S. OVERNIGHT

Surface Transportation Board
Section of Environmental Analysis
1925 "K" St., N.W., Room 504
Washington, DC 20423-0001

ENTERED
Office of Proceedings

JUL 25 2003

Part of
Public Record



Attention: Victoria Rutson

RE: Docket No. AB-33 (Sub-No. 157X), Union Pacific Railroad Company
-Abandonment Exemption - In Monterey County, California
(Seaside Industrial Lead Between Castroville and Seaside, California)

Dear Ms. Rutson:

Enclosed for filing in the above-referenced docket is the original and ten (10) copies of a Combined Environmental and Historic Report prepared pursuant to 49 C.F.R. §1105.7 and §1105.8, with a Certificate of Service, and a transmittal letter pursuant to 49 C.F.R. §1105.11.

Union Pacific anticipates filing a Petition for Exemption in this matter on or after August 18, 2003.

Sincerely,

Enclosures

O:\ABANDONMENTS\33-157X\STB-EHR.wpd

Mack H. Shumate, Jr.
Senior General Attorney, Law Department

UNION PACIFIC RAILROAD
101 N. Wacker Dr., Rm. 1920, Chicago, IL 60606-1718
ph. (312) 777-2055 fx. (312) 777-2065

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BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 157X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN MONTEREY COUNTY, CA
(SEASIDE INDUSTRIAL LEAD BETWEEN CASTROVILLE, CA AND SEASIDE, CA)



Combined Environmental and Historic Report

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UNION PACIFIC RAILROAD COMPANY

Mack H. Shumate, Jr., Senior General Attorney
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606
(312) 777-2055
(312) 777-2065 FAX

Dated: July 24, 2003
Filed: July 25, 2003

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 157X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN MONTEREY COUNTY, CA
(SEASIDE INDUSTRIAL LEAD BETWEEN CASTROVILLE, CA AND SEASIDE, CA)

Combined Environmental and Historic Report

Union Pacific Railroad Company ("UP") submits this Combined Environmental and Historic Report pursuant to 49 C.F.R. § 1105.7(e) and 49 C.F.R. § 1105.8(d), respectively, for an exempt abandonment and discontinuance of service over the Seaside Industrial Lead from milepost 110.2 near Castroville to the end of the track at milepost 123.3 near Seaside, a distance of 13.1 miles in Monterey County, California (the "Line").

The Line traverses U. S. Postal Service Zip Codes 95012 and 93955. A Notice of Exemption to abandon the Line pursuant to 49 C.F.R. § 1152.50 (no local traffic for at least two years) will be filed on or after August 18, 2003.

A map of the Line marked **Attachment No. 1** is attached hereto and hereby made part hereof. In December, 1999, UP anticipated the abandonment of the Seaside Industrial Lead and notified federal, state and local government agencies accordingly. On June 26, 2003, UP renotified these agencies that UP intended to abandon the Seaside Industrial Lead and attached each agency's respective response in 1999, if any, in an effort

to solicit any update deemed necessary by the agency. UP's letters to federal, state and local government agencies are marked **Attachment No. 2** and **Attachment No. 3**, respectively, and are hereby made a part hereof. Responses received to UP's letters to date are attached and sequentially numbered as indicated below.

ENVIRONMENTAL REPORT
49 C.F.R. § 1105.7(e)

(1) **Proposed action and alternatives.** Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

Response: The proposed action involves the abandonment and discontinuance of service over the Seaside Industrial Lead from milepost 110.2 near Castroville to the end of the track at milepost 123.3 near Seaside, a distance of 13.1 miles in Monterey County, California. There are no shippers on the Line, and no commodities have moved over the Line for over two years. The Line could be sold for public use as a commuter line, or it could be salvaged.

The Line was constructed in 1879 and 1880 by the Monterey Railroad. The Line is constructed with a combination of track material weights, mostly 90-pound, but also 110-pound and above.

There appears to be no reasonable alternative to the abandonment. There is no local or overhead traffic.

Based on information in the UP's possession, the right-of-way for the Line consists of approximately 163.32 acres, all of which are non-reversionary.

A map of the Line is attached as **Attachment No. 1**.

(2) **Transportation system.** Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

Response: There will be no effect on regional or local transportation systems and patterns and no diversion of traffic to other transportation systems or modes. The subject Line has not been used for freight traffic for at least two years.

(3) **Land use.** (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

(iii) If the action effects land or water uses within a designated coastal zone, include the coastal zone information required by § 1105.9.

(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10905 and explain why.

Response: (i) UP is unaware of any adverse effects on local and existing land use plans. The city of Sand City, California is very interested in the proposed abandonment. Comments by the City Administrator of Sand City, through which the Line passes, are attached as **Attachment No. 4** and hereby made part hereof.

(ii) UP is unaware of any adverse effects on prime farmland.

(iii) The Line passes through a designated coastal zone. The California Coastal Commission ("CCM") has been contacted and their response is attached as **Attachment No. 5** and is hereby made part hereof.

(iv) UP believes a portion of the property proposed for abandonment located in Seaside/Sand City may be suitable for other public purposes including roads or highways, other forms of mass transportation, conservation, energy production or transmission. See **Attachment No. 4.**

(4) **Energy.** (i) Describe the effect of the proposed action on transportation of energy resources.

(ii) Describe the effect of the proposed action on recyclable commodities.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than:

(A) 1,000 rail carloads a year, or

(B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

Response: (i) There are no effects on the transportation of energy resources in view of the absence of rail shipments on the Line.

(ii) There are no recyclable commodities moved over the Line.

(iii) There will be no increase in energy consumption from the abandonment.

(iv)(A)(B) There will be no rail-to-motor carriage diversion.

(5) **Air.** (i) If the proposed action will result in either:

(A) an increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or

(B) an increase in rail yard activity of at least 100% (measured by carload activity), or

(C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. § 10901 (or § 10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in §§ (5)(i)(A) will apply.

Response: There is no such effect anticipated.

(5) **Air.** (ii) If the proposed action affects a class 1 or nonattainment area under the Clean Air Act, and will result in either:

(A) an increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or

(B) an increase in rail yard activity of at least 20% (measured by carload activity), or

(C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

Response: There will be no increase in rail traffic, rail yard activity, or truck traffic as a result of the proposed action.

(5) **Air.** (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the UP's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

Response: The proposed action will not affect the transportation of ozone depleting materials.

(6) **Noise.** If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause:

(i) an incremental increase in noise levels of three decibels Ldn or more or

(ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area and quantify the noise increase for these receptors if the thresholds are surpassed.

Response: Not applicable.

(7) **Safety.** (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the UP's safety record (to the extent available) on derailments, accidents and

hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

(iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

Response: (i) UP believes the proposed action will have no detrimental effects on public health and safety. The removal of several grade crossings along the Line will enhance public safety by eliminating distractions to vehicular traffic crossing the Line. The California Public Utilities Commission expresses its position in a letter to the City of Sand City Director of Community Redevelopment which is attached as **Attachment No. 6** which is hereby made part hereof.

(ii) The proposed action will not affect the transportation of hazardous materials.

(iii) There are no known hazardous material waste sites or sites where known hazardous material spills have occurred on or along the subject rail corridor. However, see the letter attached as **Attachment No. 5**, wherein the California Coastal Commission expresses concern about the use of lead slag as ballast. The Transportation Agency for Monterey County ("TAMC") did a Phase I and II analysis of the right-of-way of the Line and found two hits, one lead and the other arsenic. The analysis results were reviewed by UP's environmental manager and it is concluded that neither hit rose to an actionable level requiring remediation under industrial standards. Therefore, no remediation will be conducted. As a condition to assure State of California funding of the acquisition of the Line by TAMC, UP has agreed to cover the first \$75,000.00 of remediation cost and expense if required by an authorized governmental agency. This requirement will expire

upon: (1) three years after closing of resale of the Line to TAMC; or (2) UP spending \$75,000.00; or (3) commencement of passenger service on any portion of the Line.

(8) **Biological resources.** (i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

Response: (i) The U. S. Fish and Wildlife Service has been contacted. To date UP has received no response.

(ii) There are no adverse effects known to the UP on wildlife sanctuaries or refuges, National or State parks or forests. A copy of this Report is being supplied to the National Park Service for its information and comment.

(9) **Water.** (i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action. (UP should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.)

Response: (i) There are no anticipated adverse effects on water quality. The California Natural Resources Conservation Commission and the U.S. Environmental Protection Agency have been contacted. To date UP has received no response.

(ii) The U.S. Army Corps of Engineers has been contacted. Its response is attached as **Attachment No. 7** and hereby made part hereof.

(iii) It is not anticipated there will be any requirements for Section 402 permits. The U.S. Environmental Protection Agency has been contacted. To date, no response has been received.

(10) **Proposed Mitigation.** Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Response: UP does not expect any adverse environmental impacts from the proposed abandonment and, therefore, sees no need for any mitigating actions. UP will, of course, adhere to any remedial actions suggested by the recipients of this Report and required by the Board.

HISTORIC REPORT
49 C.F.R. § 1105.8(d)

(1) A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action:

Response: **Attachment No. 1** is a map of the abandonment.

(2) A written description of the right-of-way (including approximate widths to the extent known), and the topography and urban and/or rural characteristics of the surrounding area:

Response: The north 5.2 mile portion of the Seaside Industrial Lead that is the subject of this abandonment runs through an agricultural area. The south 7.8 mile portion is urban on either side of a 4.55 mile stretch through Ft. Ord. Ft. Ord is a former military base now closed and proposed for large-scale private and public redevelopment. The right-of-way considered for abandonment is of varying widths, however, it is predominately 100 feet in width. There are segments in Castroville and Seaside of greater width. At these locations a mix of industrial and commercial uses are found adjacent to the

UP right-of-way. In general the topography is level and adjacent to existing public roads/highways, and it is generally at grade with adjoining property.

(3) Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area:

Response: Pictures of six (6) bridges 50 years old or older were sent to the California Office of Historic Preservation by letter, a copy of which is attached as **Attachment No. 8** and hereby made part hereof. In a letter dated July 5, 2000, the California Office of Historic Preservation stated none of the structures are eligible for inclusion on the NRHP under any criteria established by 36 CFR 60.4. This position was reiterated in a July 17, 2003 letter. The California Office of Historic Preservation letters are attached as **Attachment No. 9** and **Attachment No. 10** respectively, and are hereby made part hereof.

(4) The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations to the extent such information is known:

Response: See **Attachment No. 8**.

(5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action:

Response: See the preceding pages for a brief history and description. There have been no rail operations over the Line for at least two years. No changes in carrier operations are contemplated.

(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic:

Response: UP believes bridge drawings are available.

(7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. § 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities):

Response: The bridges located on the Line are quite common in design and construction, and it is doubtful that they have any historical significance. UP knows of no historic sites or structures or archeological resources in the project area. The California SHPO also states the proposed abandonment will not affect historic properties (see **Attachment No. 9 and Attachment No. 10**)

(8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain:

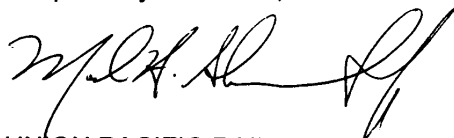
Response: UP does not have any such readily available information.

(9) Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified nonrailroad owned properties or groups of properties immediately adjacent to the railroad right-of-way. Photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the locations and type of the site (i.e., prehistoric or native American):

Response: Not applicable.

Dated this 24th day of July, 2003.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mack H. Shumate, Jr.", with a stylized flourish at the end.

UNION PACIFIC RAILROAD COMPANY
Mack H. Shumate, Jr., Senior General Attorney
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606
(312) 777-2055
(312) 777-2065 FAX

CERTIFICATE OF SERVICE
OF THE
COMBINED ENVIRONMENTAL AND HISTORIC REPORT

The undersigned hereby certifies that a copy of the foregoing Combined Environmental and Historic Report in Docket No. AB-33 (Sub-No. 157X), Seaside Industrial Lead between Castroville and Seaside, California, was served on July 24, 2003 by first class mail on the following:

State Clearinghouse (or alternate):

Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95814

State Environmental Protection Agency:

California Environmental Protection Agency
1001 I Street
Sacramento, CA 95814

State Coastal Zone Management Agency
(if applicable):

California Coastal Commission
45 Fremont Street
Suite 2000
San Francisco, CA 94105-2219

Head of each County:

Monterey County Board of Supervisors
240 Church Street
Salinas, CA 93901-2625

Environmental Protection Agency

(Regional Office):

U.S. Environmental Protection Agency
Region 9
75 Hawthorne Street
San Francisco, CA 94105

U.S. Fish and Wildlife:

U.S. Fish & Wildlife Service, Region 1
911 NE 11th Avenue
Portland, OR 97232-4181

U.S. Army Corps of Engineers:

U.S. Army Corps of Engineers
San Francisco District
333 Market Street
San Francisco, CA 94105-2197

National Park Service:

National Park Service
William D. Shaddox
Chief, Land Resources Division
1849 "C" St., N. W., #MS3540
Washington, DC 20240

U.S. Natural Resources Conservation Service:

State Conservationist
Natural Resource Conservation Service
430 G Street, #4164
Davis, CA 95616-4164

National Geodetic Survey:

National Geodetic Survey
Edward J. McKay, Chief
Spatial Reference System Division
NOAA N/NGS2
1315 E-W Highway
Silver Spring, MD 20910-3282

State Historic Preservation Office:

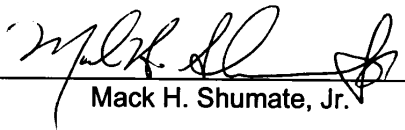
California Department of Parks and Recreation
Office of Historic Preservation
P. O. Box 942896
Sacramento, CA 94296-0001

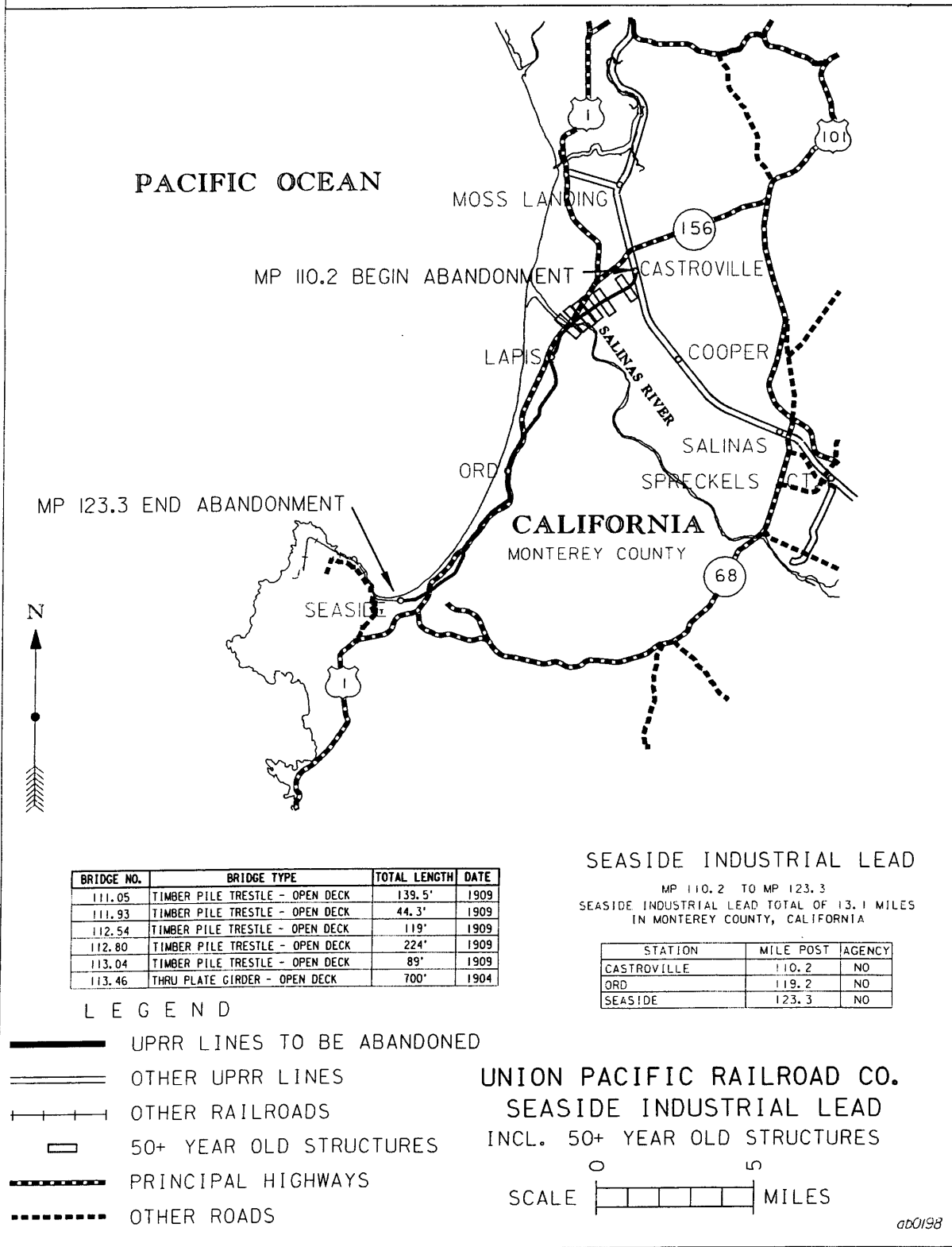
Other:

Seaside City Manager
440 Harcourt Ave.
Seaside, CA 93955

City Administrator
City of Sand City
1 Sylvan Park
Sand City, CA 93955

Dated this 24th day of June, 2003.


Mack H. Shumate, Jr.



December 23, 1999

File: Seaside Industrial Lead
Abandonment
Environmental

US Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, California 94105

U.S. Army Engineer Division-San Francisco
211 Main Street
San Francisco, California 94105

Mike Chiratti
Chief Projects Analyst
Office of Planning and Research
1400 Tenth Street
Sacramento, California 95814

U. S. Fish & Wildlife Service
3310 El Camino Avenue, Suite 140
Sacramento, California 95821

Natural Resources Conservation
318 Cayuga Street
Salinas, California 93901

California Fish and Game Service
20 Lower Ragsdale Drive #100
Monterey, California 93940

Office of Historic Preservation
Department of Parks and Recreation
P.O. Box 942896
Sacramento, California 94296

California Environmental Protection Agency
555 Capitol Mall
Sacramento, California 95814

California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, California 94105

Monterey County Clerk of Board
240 Church Street
Salinas, California 93901

Seaside City Manager
440 Harcourt Ave
Seaside, California 93955

RE: Proposed Abandonment of the Seaside Industrial Lead,
Castroville to Seaside, Monterey County, California

Dear Sirs:

Union Pacific Railroad plans to request authority from the Surface Transportation Board (STB) to abandon the Seaside Industrial Lead from M.P. 110.2 near Castroville, California, to the end of track at M.P. 123.3 near Seaside, California. A map of the proposed track abandonment shown in red is attached.

Pursuant to the STB's regulations at 49 C.F.R. Part 1152, and the environmental regulations at 49 C.F.R. Part 1105.7, this is to request your assistance in identifying any potential effects of this action as indicated in the paragraphs below. If any adverse environmental impacts are identified, describe any actions that are proposed in order to mitigate the environmental impacts. Please provide us with a written response that can be included in an Environmental Report which will be sent to the STB.

LOCAL AND/OR REGIONAL PLANNING AGENCIES. State whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

U.S. SOIL CONSERVATION SERVICE. State the effect of the proposed action on any prime agricultural land.

U.S. FISH AND WILDLIFE SERVICE (And State Game And Parks Commission, If Addressed). State (1) whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects, and, (2) whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

STATE WATER QUALITY OFFICIALS. State whether the proposed action is consistent with applicable Federal, State or Local water quality standards. Describe any inconsistencies.

U.S. ARMY CORPS OF ENGINEERS. State (1) whether permits under Section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and (2) whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

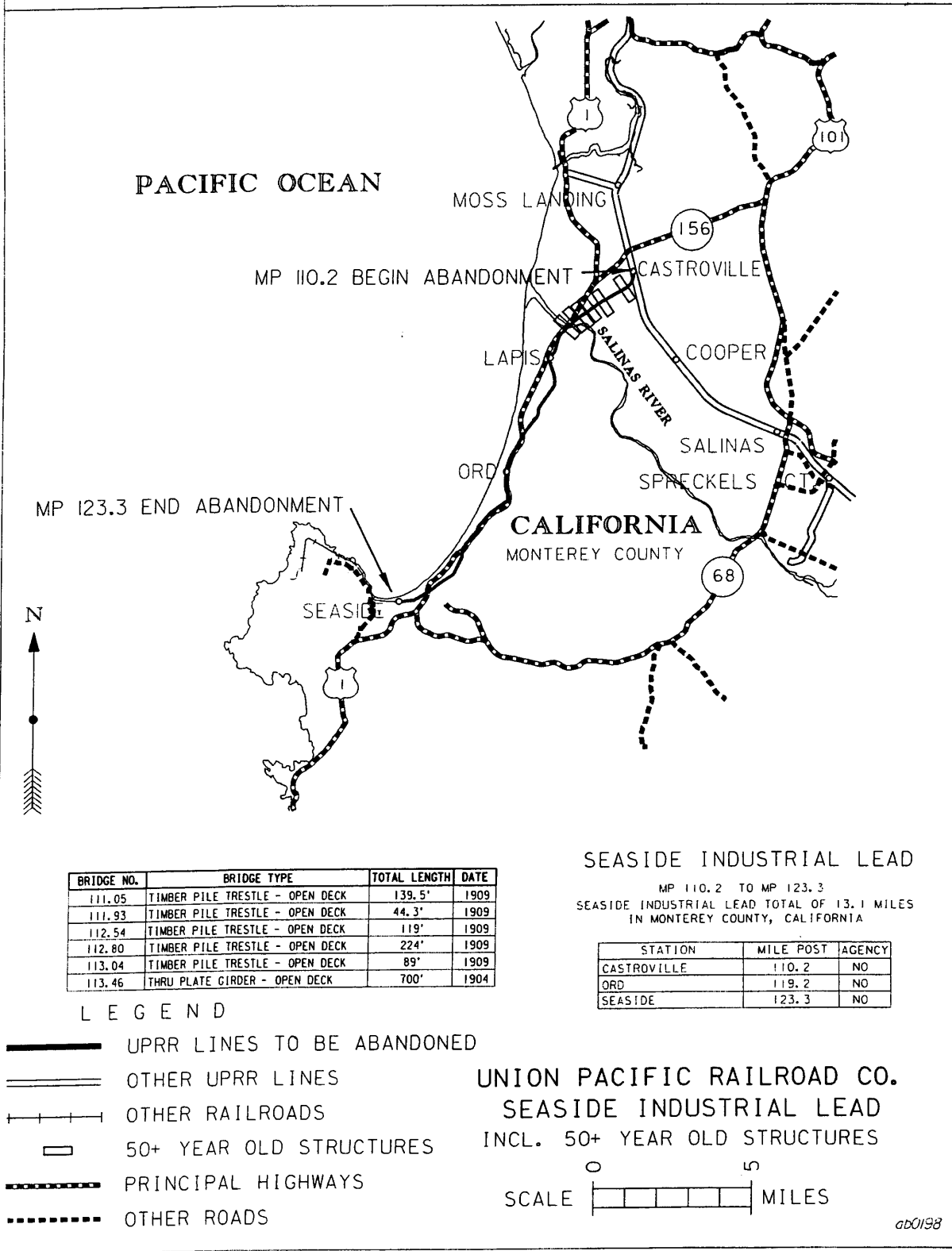
U.S. ENVIRONMENTAL PROTECTION AGENCY AND STATE ENVIRONMENTAL PROTECTION (OR EQUIVALENT AGENCY). (1) Identify any potential effects on the surrounding area, (2) identify the location of hazardous waste sites and known hazardous material spills on the right-of-way and list the types of hazardous materials involved, and (3) state whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

Thank you for your assistance. Please send your reply to Union Pacific Railroad, Mr. Chuck Saylor, 1416 Dodge Street, Room 830, Omaha, Ne, 68179. If you need further information, please contact me at (402) 271-4078.

Yours truly,

Harry P. Patterson, P. E.
Manager Environmental Site Remediation

Attachment



CHARLES W. SAYLORS
DIRECTOR-LEGAL SUPPORT SERVICES

UNION PACIFIC RAILROAD COMPANY



1416 DODGE STREET
OMAHA, NEBRASKA 68179
(402) 271-4861

(402) 271-5625 (FAX)

June 26, 2003

State Clearinghouse (or alternate):

Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95814

State Environmental Protection Agency:

California Environmental Protection Agency
1001 I Street
Sacramento, CA 95814

**State Coastal Zone Management Agency
(if applicable):**

California Coastal Commission
45 Fremont Street
Suite 2000
San Francisco, CA 94105-2219

Head of each County:

Monterey County Board of Supervisors
240 Church Street
Salinas, CA 93901-2625

Environmental Protection Agency**(Regional Office):**

U.S. Environmental Protection Agency
Region 9
75 Hawthorne Street
San Francisco, CA 94105

U.S. Fish and Wildlife:

U.S. Fish & Wildlife Service, Region 1
911 NE 11th Avenue
Portland, OR 97232-4181

U.S. Army Corps of Engineers:

U.S. Army Corps of Engineers
San Francisco District
333 Market Street
San Francisco, CA 94105-2197

National Park Service: William D. Shaddox

Chief, Land Resources Division
National Park Service
800 North Capitol Street, NE., Room 500
Washington, D.C. 20002

U.S. Natural Resources Conservation Service:

State Conservationist
Natural Resource Conservation Service
430 G Street, #4164
Davis, CA 95616-4164

National Geodetic Survey:

National Geodetic Survey
Edward J. McKay, Chief
Spatial Reference System Division
NOAA N/NGS2
1315 E-W Highway
Silver Spring, MD 20910-3282

State Historic Preservation Office:

California Department of Parks and Recreation
Office of Historic Preservation
P. O. Box 942896
Sacramento, CA 94296-0001

Other:

Seaside City Manager
440 Harcourt Ave.
Seaside, CA 93955

City Administrator
City of Sand City
1 Sylvan Park
Sand City, CA 93955

Re: Proposed Abandonment of the Seaside Industrial Lead from M. P. 110.2 near Castroville to the end of the track at M. P. 123.3 near Seaside in Monterey County, California; STB Docket No. AB-33 (Sub-No. 157X)

Dear Sirs:

On December 23, 1999 Union Pacific Railroad Company sent you a letter indicating the intent to request authority from the Surface Transportation Board (STB) to abandon its Seaside Industrial Lead from M.P. 110.2 near Castroville to the end of the track at M. P. 123.3 near Seaside, California and we asked your assistance in identifying any potential effects of the action. Many of you responded that our proposed action would have no negative effect in your respective area of interest. Union Pacific did not go forward with its plans for the Seaside Industrial Lead in 2000.

Union Pacific again plans to request authority from the Surface Transportation Board (STB) to abandon and discontinue service on the Seaside Industrial Lead from M.P. 110.2 to M.P. 123.3. A map of the proposed track abandonment shown in black is attached.

Pursuant to the STB's regulations at 49 C.F.R. Part 1152, and the environmental regulations at 40 C.F. R. Part 1105.7, this is to again request your assistance in identifying any potential effects of this action as indicated in the paragraphs below. We do not anticipate any adverse environmental impacts. However, if you identify any adverse environmental impacts, describe any actions that are proposed in order to mitigate the environmental impacts. Please provide us with a written response that can be included in an Environmental Report, which will be sent to the STB.

LOCAL AND/OR REGIONAL PLANNING AGENCIES. State whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

U. S. SOIL CONSERVATION SERVICE. State the effect of the proposed action on any prime agricultural land.

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STATE WATER QUALITY OFFICIALS. State whether the proposed action is consistent with applicable Federal, State or Local water quality standards. Describe any inconsistencies.

U. S. ARMY CORPS OF ENGINEERS. State (1) whether permits under Section 404 of the Clean Water Act (33 U.S. C. § 1344) are required for the proposed action

and (2) whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

U. S. ENVIRONMENTAL PROTECTION AGENCY AND STATE ENVIRONMENTAL PROTECTION (OR EQUIVALENT AGENCY). (1) Identify any potential effects on the surrounding area, (2) identify the location of hazardous waste sites and known hazardous material spills on the right-of-way and list the types of hazardous materials involved, and (3) state whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

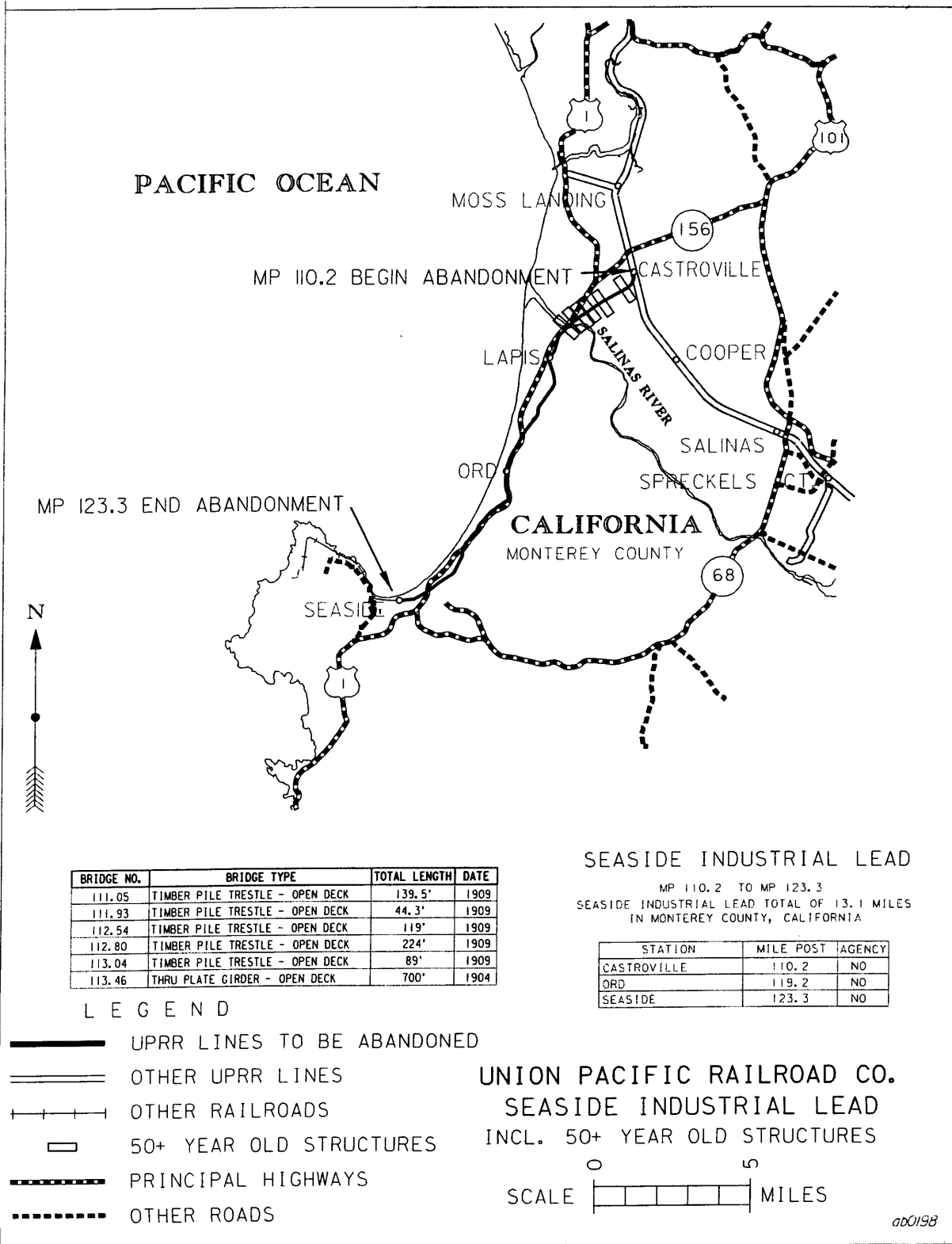
If you responded to our 1999 request, a copy of your response is attached. We will consider this response your current position unless you send a revised letter.

Thank you for your assistance. Please send your reply to Union Pacific Railroad, Mr. Chuck Saylor, 1416 Dodge Street, Room 830, Omaha, NE, 68179. If you need further information, please contact me at (402) 271-4861.

Yours truly,


Charles W. Saylor

Attachment





January 11, 2000

Chuck Saylor
Union Pacific Railroad
1416 Dodge Street, Room 830
Omaha, NE 68179

RE: Proposed Abandonment of the Seaside Industrial Lead, Monterey Branch Rail Line, Monterey County, California

Dear Mr. Saylor,

This letter is written to respond to Union Pacific's notice, dated December 23, 1999, to request authority to abandon the "Seaside Industrial Lead" rail line from Castroville, California to the end of track in Seaside, California. A portion of this rail line passes through the City of Sand City. Sand City is located on the Monterey Peninsula adjacent to the City of Seaside.

This Union Pacific rail line occupies a 100' wide "right-of-way" through the entire eastern side of our City for a distance of approximately 1¼ miles (please refer to the enclosed maps). Sand City is very interested in the proposed abandonment of this rail line and wants to be kept informed about this process. Please send all notices, correspondence, meeting agendas, reports, etc. to:

Kelly Morgan
City Administrator
City of Sand City
1 Sylvan Park
Sand City, CA 93955
Fax: (831) 394-2472 / Phone: (831) 394-3054, ex 12
E-mail: kelly@sandcity.org

City Hall
1 Sylvan Park,
Sand City, CA
93955

Administration
(831) 394-3054

Planning
(831) 394-6700

FAX
(831) 394-2472

Police
(831) 394-1451

FAX
(831) 394-1038

Incorporated
May 31, 1960

This proposed abandonment of the Monterey Branch Rail Line is of primary importance to Sand City for a number of critical reasons, including but not limited to, as follows:

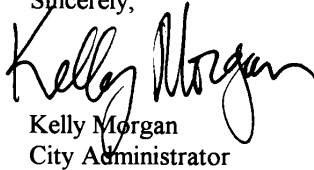
- The City of Sand City (or the Sand City Redevelopment Agency) owns several parcels that are adjacent to the Union Pacific rail line
- Sand City has one street (California Avenue) that runs parallel and is adjacent to the Union Pacific Rail Line for a distance of approximately ½ mile
- Sand City has four busy, important streets that cross the Union Pacific rail line (Ord, Playa, Tioga, and Contra Costa). These are entrance streets into Sand City for Sand City residents and businesses
- Sand City has constructed rail crossing guards on two of the above streets (Playa and Tioga) at considerable expense
- Sand City has easement agreements with Union Pacific for portions of the rail line right-of-way for landscaping, slope stabilization, etc.

Chuck Saylor's Letter
January 11, 2000
Page 2

- Several property owners or businesses in the Sand City area have lease agreements with Union Pacific for portions of the rail line right-of-way
- The Sand City Redevelopment Agency has been planning two redevelopment projects that are adjacent to the Union Pacific rail line that will be affected by significant changes in the railroad line and right-of-way

For these above reasons and other concerns, Sand City is very interested in the proposed abandonment and ultimate disposition of the Monterey branch rail line. Please keep us informed and add us to the mailing/notification list on this abandonment process.

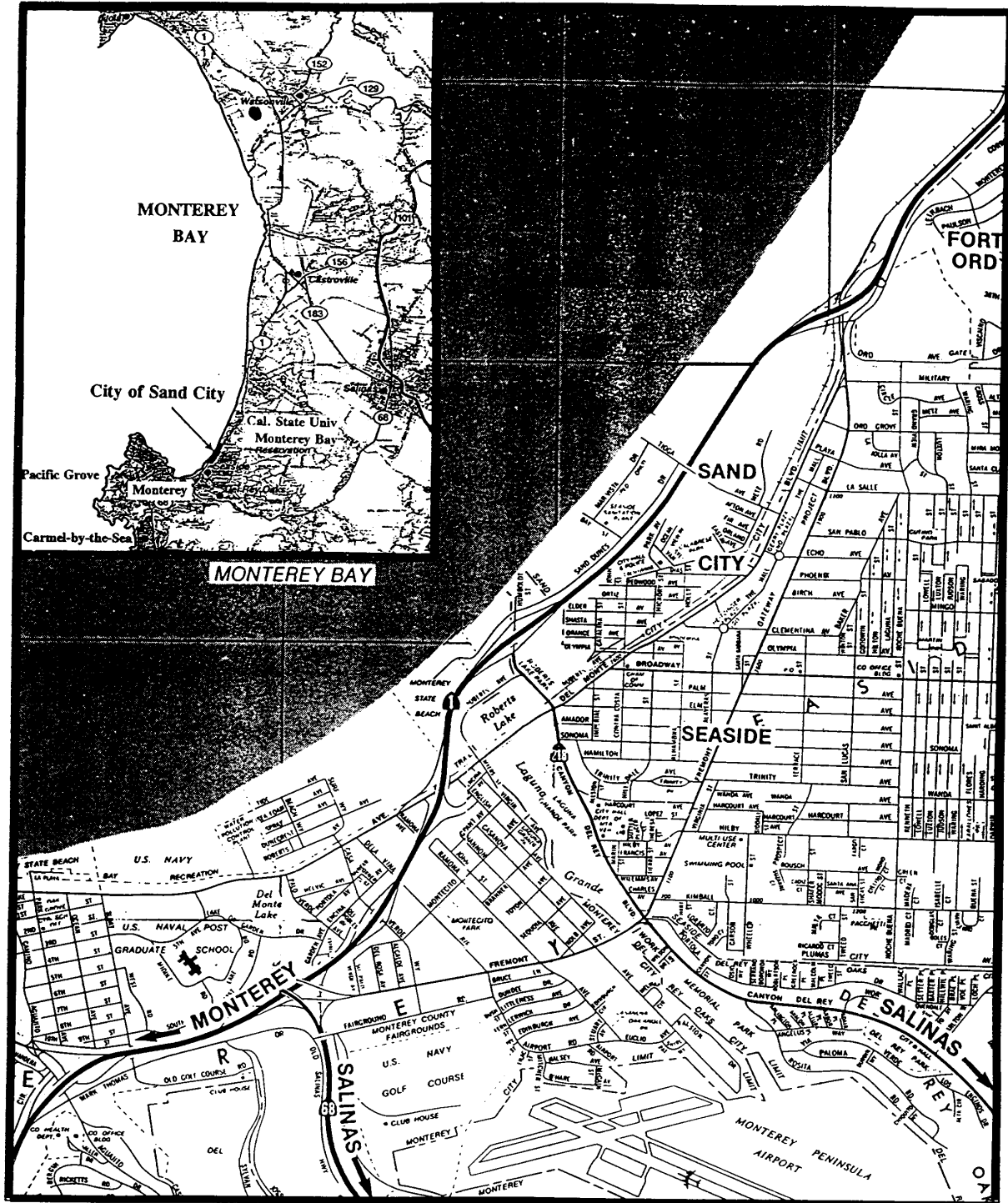
Sincerely,

A handwritten signature in black ink, appearing to read "Kelly Morgan". The signature is fluid and cursive, with the first name "Kelly" and last name "Morgan" clearly distinguishable.

Kelly Morgan
City Administrator

Enc: Location Maps

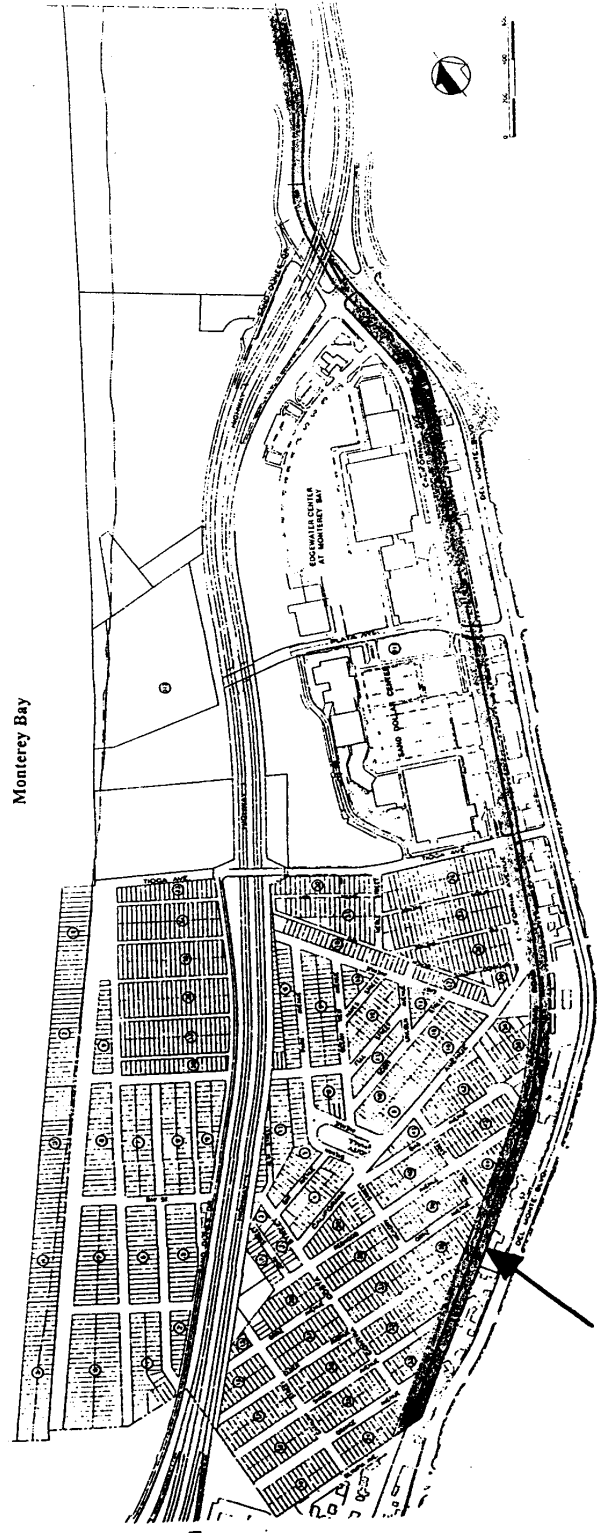
VICINITY MAP



SOURCE: AAA AND EIP ASSOCIATES

FEET
0 1000 2000





City of Sand City

Union Pacific
Rail Road

CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200



January 27, 2000

Chuck Saylors
Union Pacific Railroad Co.
1416 Dodge St., Room 830
Omaha, Nebraska, 68179

Re: Union Pacific Railroad Co., Seaside Industrial Lead Abandonment, Castroville to Seaside,
Monterey Co., M.P. 110-2 to 123.3

Dear Mr. Saylors:

We have the following concerns we wish you to address in the environmental analysis your letter to us dated December 23, 1999, indicates you are preparing for the above-referenced railroad abandonment:

1. Contaminants/Water Quality. The U.S. Coast Guard's 1993 Environmental Assessment (EA) for maintenance dredging at the Coast Guard Station Monterey showed hazardous levels of lead in the harbor that resulted from Southern Pacific discharges of lead slag beneath its Monterey Harbor rail spur. The lead-laden material was placed under the tracks in the 1920s-1930s, and the Coast Guard's EA noted that the lead was regularly leaching into Monterey Harbor and causing significant environmental impacts to marine life. Further information about this problem can be found in a 1984 State Water Resources Control Board report entitled "Monterey Harbor Lead Study: A Cleanup and Abatement Study Analyzing Cleanup Boundaries, Feasibility and Costs." In addition, in the process of disposing Fort Ord the U.S. Army has found significantly high levels of lead and other contaminants at Fort Ord, which the railroad line runs through. Given these historic problems we request that you thoroughly investigate the rail line and its right-of-way for any contaminants prior to abandoning and/or disposing of the rail line.

2. Use of Rail Corridor. First consideration for future use of the rail line should be given to those which retain the rail corridor in its continuity (e.g., public transit uses, transportation corridors, bike and other recreational trails, etc.).

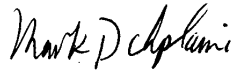
In addition, despite our requesting this information in telephone messages sent to Union Pacific RR, we are uncertain as to the nature of the proposed abandonment. For example, it is unclear to us what physical activities, if any, are being proposed in conjunction with this abandonment. Please also note that if a U.S. Army Corps of Engineers permit is needed for any activities, this federal permit would trigger the need for federal consistency review by

our agency under the provisions of Section 307 of the federal Coastal Zone Management Act¹.

If this review is triggered by an Army Corps or other federal permit or authorization, Union Pacific would need to submit a consistency certification to the California Coastal Commission for the activity. The consistency certification would need to include a finding that the project is consistent with the California Coastal Management Program (CCMP) and contain sufficient information for the Commission to assess the activity's effect on the coastal zone and its consistency with the CCMP (see 930.58 of the federal consistency regulations for details on information requirements).

If you have any questions about these information request and suggestions, please contact me at (415) 904-5289. If you have any questions about the need for or the preparation of a consistency certification, please contact James Raives, federal consistency coordinator, at (415) 904-5292.

Sincerely,



MARK DELAPLAINE
Federal Consistency Supervisor

cc: Santa Cruz Area Office
EPA, Region 9 (San Francisco)
US Fish and Wildlife Service (Sacramento)
Dept. of Fish and Game (Monterey)
Army Corps, Division (San Francisco)
TAMC
Dave Potter (Monterey Co.)

¹ 16 U.S.C. Section 1456, with implementing regulations at 15 CFR Part 930.

STATE OF CALIFORNIA

GRAY DAVIS, Governor

PUBLIC UTILITIES COMMISSION

320 WEST 4TH STREET, SUITE 500
LOS ANGELES, CA 90013
(213) 576-7087



November 14, 2000

File No.: 183/27/EE-122.20
California Av/ Ord Av

Steve Matarazzo, Director
Community Redevelopment
City of Sand City
1 Sylvan Park
Sand City, CA 93955

Dear Mr. Matarazzo,

This refers to the Project Study Report (PSR) On Route 1 Corridor In The Cities of Sand City and Seaside In Monterey County From North of Route 218 to The Fort Ord Main Entrance. This proposed project includes widening of California Avenue / Ord Avenue Crossing No. EE-122.20 across the Union Pacific Railroad Company's (UP) Seaside Industrial Lead track, formerly owned by the Southern Pacific Transportation Company.

By letter dated June 1, 2000 to Commission staff, UP expressed its intention to request authority from the Surface Transportation Board (STB) to abandon the Seaside Industrial Lead from Milepost 110.20 near Castroville, California to the end of the track at Milepost 123.3 near Seaside, California. In a recent on-site field meeting with representatives from City, UP and Commission staff, it was observed that the existing California Avenue / Ord Avenue crossing is out of service. The track has been paved over and the warning devices have been removed. City indicated that although UP proposes to abandon this line, there may be plans in the future for passenger rail service.

Commission staff fully supports the proposed improvements of State Route 1 (SR 1) Freeway, and local street improvements in the City of Seaside. However, based on field observations of existing high traffic volume, the potential increased traffic volume as a result of the widened roadway, the complexity of the "H-Shape" crossing geometric, limited queuing distances at the crossing, and close proximity of a major shopping center, staff has concerns regarding potential train and vehicle conflicts at this crossing.

In its role to increase safety at all highway-railroad grade crossings, the Commission has adopted the policy on crossings promoted by the Federal Railroad Administration and the United States Department of Transportation - Federal Highway Administration. The policy calls for a safety program for the reduction of highway-railroad grade crossings in accordance with the Federal Aid Highway Program Manual and Federal Aid Highway Acts of 1973 and 1976 guidelines and recommendations, which are:

- Elimination of Grade Crossings
 - A. Close existing crossings where possible
 - B. Construct grade separations
 - C. Relocate highways and/or railroads
 - D. Establish no new crossings at-grade

Based on a review of the PSR and field visit of the referenced crossing and the surrounding area, Commission staff recommends the following:

Mr. Steve Matarazzo
November 14, 2000
Page 2

1. In the event that the Seaside Industrial Lead track is abandoned, UP should file a Form G with the Commission to close all crossings on this line and remove the track and railroad warning devices at the crossings.
2. In the event that the referenced track will not be abandoned, or that passenger service is being considered, a study should be conducted to determine whether construction of a grade separation of this crossing is practicable¹.
3. Should the construction of a grade separation at the referenced location is not practicable, City should work with the California Department of Transportation (Caltrans), Commission staff, and the affected railroad(s) to (1) design an at-grade crossing that will minimize vehicle-train conflicts and delays, and (2) design traffic circulation in the surrounding area such that it will reduce the number of vehicles having to cross the railroad track.

Thank you for allowing Commission staff the opportunity to review the PSR. Should you desire additional information, please contact staff at the above address or telephone number.

Very truly yours,



Peter Lai
Rail Crossings Engineering Section
Rail Safety and Carriers Division

Cc: Patrick Kerr, UP
Richard Gonzales, UP
Harry Patterson, UP
Stan Kulakow, City Engineer

¹ And it should be carefully noted that the word used in the statute (and carried over to the requirement for application in Rule 38 (d) of the Commission's Rules of Practice and Procedure) is "practicable" rather than "practical". "Practicable" means being possible of physically of performance, a capability of being used, a feasibility of construction. On the other hand, "practical" connotes the means to build, the possibility of financing. For example: "A plan might be practicable in that it could be put into practice, though not practical because... too costly." (Webster's New Dictionary of Synonyms (1973) p. 625.)



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, CORPS OF ENGINEERS
333 MARKET STREET
SAN FRANCISCO, CALIFORNIA 94105-2197

FEB 03 2000

Regulatory Branch

SUBJECT: File Number 24959S

Mr. Chuck Saylor
Union Pacific Railroad Company
1416 Dodge Street, Room 830
Omaha, Nebraska 68179

Dear Mr. Saylor:

This letter is in response to your request of December 23, 1999, for comments on Union Pacific Railroad Company's proposal to abandon the Seaside Industrial Lead from Castroville to Seaside in Monterey County, California. Your letter reached us on January 19, 2000, so please update our address in your database.

Since your letter contained no details of what activities you planned to undertake as part of the abandonment of this line, our comments are very general. Whether a permit is required from the Corps of Engineers is based on the following:

1. All proposed work and/or structures extending bayward or seaward of the line on shore reached by: (1) mean high water (MHW) in tidal waters, or (2) ordinary high water in non-tidal waters designated as navigable waters of the United States, must be authorized by the Corps of Engineers pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403). Additionally, all work and structures proposed in unfilled portions of the interior of diked areas below former MHW must be authorized under Section 10 of the same statute.

2. All proposed discharges of dredged or fill material into waters of the United States must be authorized by the Corps of Engineers pursuant to Section 404 of the Clean Water Act (CWA) (33 U.S.C. 1344). Waters of the United States generally include tidal waters, lakes, ponds, rivers, streams (including intermittent streams), and wetlands.

Application for Corps authorization should be made to this office using the application form in the enclosed pamphlet. To avoid delays it is essential that you enter the file number at the top of this letter into Item No. 1. The application must include plans showing the location, extent and character of the proposed activity, prepared in accordance with the requirements contained in this pamphlet. You should note, in planning your work, that upon receipt of a properly completed application and plans, it may be necessary to advertise the proposed work by issuing a public notice for a period of 30 days.

If an individual permit is required, it will be necessary for you to demonstrate to the Corps that your proposed fill is necessary because there are no practicable alternatives, as outlined in the U.S. Environmental Protection Agency's Section 404(b)(1) Guidelines. A copy is enclosed to aid you in preparation of this alternative analysis.


Regarding your question about wetlands, the Corps does not maintain a database of sites determined to be wetlands because the hydrology changes constantly and hydrology determines the wetland characteristics of a particular site. We suggest you hire a knowledgeable environmental specialist to determine if locations where you propose any fill activities are or are not wetlands as defined in the Corps 1987 Manual. The Corps can then verify the extent of that jurisdiction determination prior to your beginning your project to avoid later disputes. Our verification is normally valid for a period of five years to allow organizations to make business decisions despite the changing conditions.

The 100-year flood plain is not defined or published by the Corps. You need to contact the Federal Emergency Management Agency for that information.

If you have any questions, please call Ed Wylie at (415) 977-8464. Please address correspondence to Regulatory Branch, and refer to the file number at the head of this letter.

Sincerely,



 Calvin C. Fong
Chief, Regulatory Branch

Enclosure

CHARLES W. SAYLORS
DIRECTOR-LEGAL SUPPORT SERVICES

UNION PACIFIC RAILROAD COMPANY



ATTACHMENT 8

1416 DODGE STREET
OMAHA, NEBRASKA 68179
(402) 271-4861

May 19, 2000

Office of Historic Preservation
Dept. of Parks & Recreation
P.O. Box 942896
Sacramento, CA 94296-0001

RE: Docket No. AB-33 (Sub-No. 157X), Union Pacific Railroad Company
-Abandonment Exemption - In Monterey County, California
(Seaside Industrial Lead Between Castroville and Seaside, California)

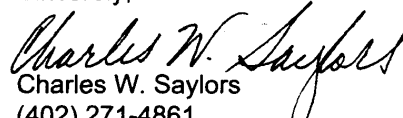
Dear Mr. Dexter:

Enclosed for your review are photographs of six bridges 50 years or older which are located on the referenced rail line proposed for abandonment. The bridges are described as follows:

<u>Milepost</u>	<u>Description</u>	<u>Year Constructed</u>
111.05	Timber Pile Trestle - Open Deck Total Length: 139.5 Feet	1909
111.93	Timber Pile Trestle - Open Deck Total Length: 44.3 Feet	1909
112.54	Timber Pile Trestle - Open Deck Total Length: 119 Feet	1909
112.80	Timber Pile Trestle - Open Deck Total Length: 224 Feet	1909
113.04	Timber Pile Trestle - Open Deck Total Length: 89 Feet	1909
113.46	Thru Plate Girder - Open Deck Total Length: 700 Feet	1904

Please advise if you believe there is any historical significance to the bridges. Thank you for your assistance.

Sincerely,


Charles W. Saylor
(402) 271-4861

Coast (Seaside)

Br. 111.05



Coast (Seaside)

Br. 111.05

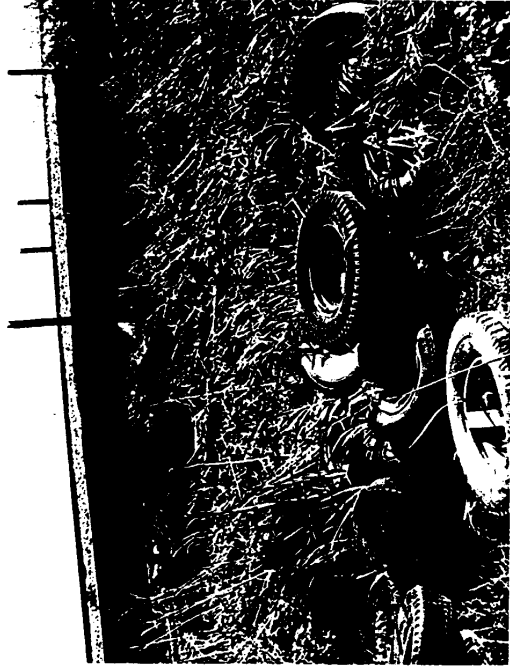
- Taken from down stream side looking eastward.



Coast (Seaside)

Br. 111.93

- Taken from down stream side.
- Farm fields have been leveled and there is no defined drainage channel.
- Farmer is using depression around bridge as a dump.



Coast (Seaside)

Br. 111.93



Coast (Seaside)

Br.112.54

- Taken from down stream side
- Drainage channel has been mostly eliminated by farming operations.
- 36" culvert under road down stream of bridge.



Coast (Seaside)

Br.112.54



Coast (Seaside)

Br.112.8

- Picture taken from down stream side
- Farming operations have left a depression around bridge with no defined drainage channel.



Coast (Seaside)

Br.112.8



Coast (Seaside)

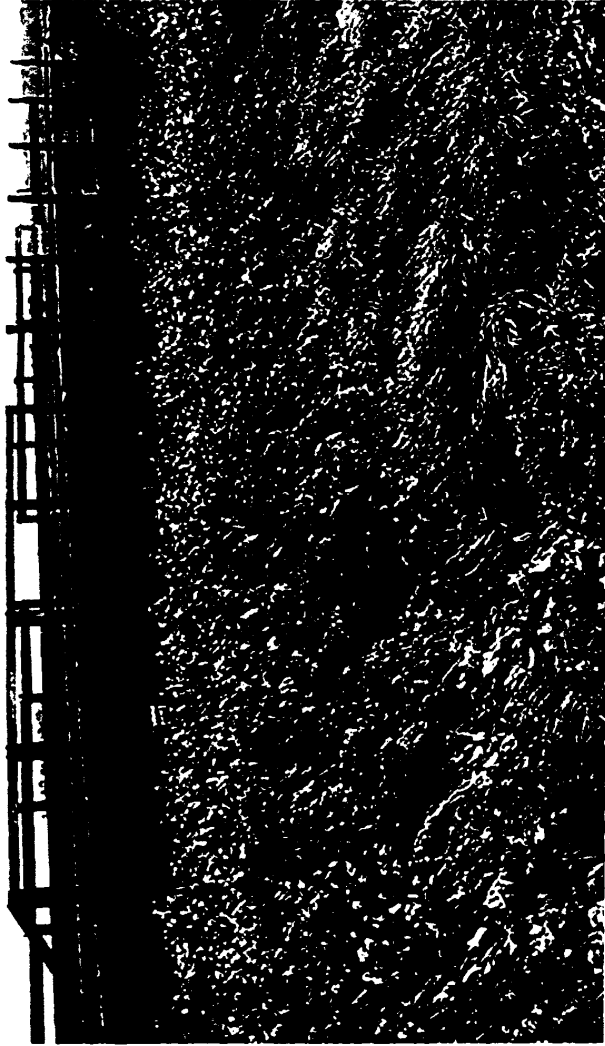
Br. 113.04

- Picture taken from down stream side.
- Farming operations have left drainage channel undefined.



Coast (Seaside)

Br. 113.04



Coast (Seaside)

Br. 113.46

- Picture taken from
down stream side



Coast (Seaside)

Br. 113.46



**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

P.O. BOX 942896
SACRAMENTO, CA 94296-0001
(916) 653-6624 Fax: (916) 653-9824
calshpo@mail2.quiknet.com



July 5, 2000

REPLY TO: STB0006602A

Charles W. Saylor
Union Pacific Railroad Company
1416 Dodge Street
OMAHA NB 68179

Re: Abandonment of Rail Lines Associated with the Seaside Industrial Lead between
Castroville and Seaside, Monterey County, California.

Dear Mr. Saylor:

Thank you for submitting to our office, on behalf of the Surface Transportation Board (STB) your May 19, 2000 letter and supporting documentation regarding the proposed abandonment of rail lines associated with the Seaside Industrial Lead, a line located between Mile Post (MP) 110.2 near Castroville and MP 123.3 near Seaside in Monterey County. The abandonment is being proposed because of the lack of commercial traffic utilizing the line in the last two years.

On behalf of the STB, you are seeking our comments on its determination of the eligibility of six railroad bridges located at various points along the aforementioned line in accordance with 36 CFR 800, regulations effective June 17, 1999 implementing Section 106 of the National Historic Preservation Act. The bridges are located at the following points along the aforementioned rail line:

- MP 111.05
- MP 111.93
- MP 112.54
- MP 112.80
- MP 113.04
- MP 113.46

Our review of the submitted documentation leads us to concur with the STB's determination that none of the aforementioned structures are eligible for inclusion on the NRHP under any of the criteria established by 36 CFR 60.4. The structures have no strong associations with significant historical events or persons and are not examples of outstanding engineering design or function.

Thank you again for seeking our comments on your project. If you have any questions, please contact staff historian Clarence Caesar at (916) 653-8902.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Daniel Abeyta'.

Daniel Abeyta, Acting
State Historic Preservation Officer

**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

P.O. BOX 942896
SACRAMENTO, CA 94296-0001
(916) 653-6624 Fax: (916) 653-9824
calshpo@mail2.quiknet.com



July 17, 2003

Refer To: FDIC000602A

Charles W. Saylor
Union Pacific Railroad Company
1416 Dodge Street
OMAHA NB 68179

Re: Finding of Effect Determination for the Abandonment of Rail Lines Associated with the
Seaside Industrial Lead between Castroville and Seaside, Monterey County, California.

Dear Mr. Saylor:

On behalf of the Surface Transportation Board, you have made the following determination
about the undertaking cited above:

- A. ☐ There are no historic properties that may be affected by the undertaking.
- B. ☒ The undertaking will not affect historic properties.

I am unable to comment on your determination in a timely manner. Therefore, 36 CFR 800.4(c)
and 36 CFR 800.4(d) apply to Item A., above, and 36 CFR 800.5(b) applies to Item B., above.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Knox Mellon'.

Dr. Knox Mellon
State Historic Preservation Officer